

CONFIDENTIAL

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ATTORNEYS AT LAW

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FACSIMILE: 404-572-6999

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CENTRAL FAX CENTER
SEP 26 2006**MAIN TELEPHONE NO.****404-572-6600****FACSIMILE NO.****404-572-6999****EMAIL****lcolton@pogolaw.com**

Date: September 26, 2006
To: USPTO
Firm:
Tel. #:
Fax #: 1.571.273.8300
From: Laurence P. (Larry) Colton
Your Ref.: 10/565925
Our Ref.: 149041.00100

Number of pages including this cover sheet **11**
If all pages are not received, please call 404-572-6718

Message: Petition to Correct Inventorship Defect follows.

The information contained herein and transmitted herewith may be attorney/client privileged, trade secret and/or confidential information intended only for the viewing and use of the individual recipient named above. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, communication, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the Postal Service or Overnight Delivery Service at our expense. Thank you.

-DNMAIRCDNCSIATT191761511

SEP. 26. 2006 3:43PM

POWELL, GOLDSTEIN (DTI-17)

NO. 073 P. 2

NO DATA
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Patent
Customer No.: 025207
Docket No.: 149041.00100

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS**

Applicant:	Dong et al.	Art Unit:	n/a
Application No.:	10/565925	Examiner:	n/a
Filing Date:	24 January 2006		
Title:	Method for Micromachining Metallic Materials		

**PETITION UNDER 35 U.S.C. 116 AND 37 CFR 1.48(A) TO CORRECT TO
INVENTORSHIP DEFECT**

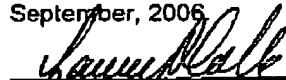
25 September 2006

Box Petition - Fee
Commissioner for Patents
Washington DC 20231

Sir:

Applicants petition the Commissioner under 37 CFR 1.48 to amend inventorship of the above-identified patent application. This Petition is accompanied by the petition fee of \$130.00 under 37 CFR 1.17(h).

I certify that I have transmitted this document via facsimile to the United States Patent and Trademark Office via the central official fax number of +1.571273.8300, this 26th day of September, 2006.



Laurence P. Colton

SEP 26 2006

BACKGROUND AND DISCUSSION

Applicants inadvertently did not include Peter Mayr as an inventor of the invention disclosed in the patent application. The events leading to this omission are as follows:

1. Applicants filed a German application (DE 103 33 860) on 24 July 2003 identifying Juan Dong, Ralf Gläbe, Andreas Mehner, Ekkard Brinksmeier and *Peter Mayr* (emphasis added).
2. Applicants filed a Patent Cooperation Treaty (PCT) application (PCT/EP2004/00635) on 12 June 2004 inadvertently omitting Peter Mayr as an inventor. The declaration filed with the PCT did not identify Peter Mayr as an inventor.
3. Applicants, through the attorney of record, filed a US patent application (10/565925) on 24 January 2006 identifying only the inventor listed on the PCT application.

As can be seen by the events, Applicants have not acted with deceptive intentions. As further evidence that the error in inventorship occurred without deceptive intentions, Applicants submit

1. A statement pursuant to 37 C.F.R. 1.63 by the omitted Applicant that the error in inventorship occurred without deceptive intention on his part;
2. An executed declaration and power of attorney by all of inventors.
3. An assignment, signed by each inventor, assigning the application to a common entity (Stiftung Institut für Werkstofftechnik).

For these reasons, Applicants submit that the error in inventorship occurred without any deceptive intent on the part of any of the applicants and should be amended to reflect the omitted inventor without prejudice to Applicants.

SEP 26 2006

REQUESTED ACTION

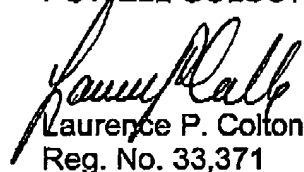
Applicants petition the Commissioner to amend the inventorship of the application to reflect that Mr. Peter Mayr is an inventor of the invention in the patent application and to order the inventors as follows:

1. Juan Dong,
2. Ralf Gläbe,
3. Andreas Mehner,
4. Ekkard Brinksmeier, and
5. Peter Mayr

CONCLUSION

If the examiner has any final concerns that can be addressed over the telephone, the examiner is invited to contact the below-signed attorney of record.

Respectfully submitted,
POWELL GOLDSTEIN LLP



Laurence P. Colton
Reg. No. 33,371

POWELL GOLDSTEIN LLP
One Atlantic Center, Fourteenth Floor
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488

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SEP. 26. 2006 3:44PM

POWELL, GOLDSTEIN (DTI-17)

RECEIVED
CENTRAL FAX CENTER NO. 073 P. 5
SEP 26 2006

Patent
Customer No.: 025207
Docket No.: 149041.00100

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATIONS**

Applicant:	Dong et al.	Art Unit:	n/a
Application No.:	10/565925	Examiner:	n/a
Filing Date:	24 January 2006		
Title:	Method for Micromachining Metallic Materials		

STATEMENT UNDER 37 CFR 1.63 BY PETER MAYR

8 August 2006

Box Petition - Fee
Commissioner for Patents
Washington DC 20231

Sir:

I, Peter Mayr, am over the age of majority and am competent and authorized to make this declaration (or statement).

1. I am submitting this declaration freely and in support of amending the inventorship of the above-identified patent application.
2. I am an inventor of the invention disclosed in the patent application.
3. I request that the application be amended to reflect that I am an inventor of the invention disclosed in the patent application.
4. I was omitted as an inventor without any deceptive intention on my part.

I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any patent resulting thereon, and I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date: 31.8.06

Mayr
Peter Mayr

Docket No.
149041.00100

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR MICROMACHINING METALLIC MATERIALS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 24 January 2006 as United States Application No. or PCT International Application Number 10/565,925 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

103 33 860.8
(Number)

DE
(Country)

24 July 2003
(Day/Month/Year Filed)

☒

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/EP 2004/006365	12 June 2004	Pending
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

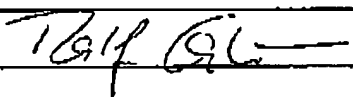
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Laurence P. Colton, Registration No. 33,371

Send Correspondence to: **POWELL GOLDSTEIN LLP**
1201 W. Peachtree Street, NW, 14th Floor
Atlanta, Georgia 30309-3488

Direct Telephone Calls to: *(name and telephone number)*
Laurence P. Colton, 404-572-6710

Full name of sole or first inventor	
Juan DONG	
Signature of first inventor's signature	Date
	20/03/06
Residence	
Bremen, Germany	
Citizenship	
CN	
Post Office Address	
Friedrich-Ebert-Straße 197, 28199 Bremen, Germany	

Full name of second inventor, if any	
Ralf GLÄBE	
Second inventor's signature	Date
	13/03/06
Residence	
Bremen, Germany	
Citizenship	
DE	
Post Office Address	
Ronzelenstraße 36, 28359 Bremen, Germany	

Full name of third inventor, if any	
Andreas MEHNER	
Third inventor's signature	20.03.06 Date
Residence	
Bremen, Germany	
Citizenship	
DE	
Post Office Address	
Millstätter Straße 5, 28359 Bremen, Germany	

Full name of fourth inventor, if any	
Ekkard BRINKSMEIER	13/3/06 Date
Fourth inventor's signature	
Residence	
Bremen, Germany	
Citizenship	
DE	
Post Office Address	
Parkallee 203, 28213 Bremen, Germany	

Full name of fifth inventor, if any	
Peter MAYR	21.03.06 Date
Fifth inventor's signature	
Residence	
Osterholz-Scharmbeck, Germany	
Citizenship	
DE	
Post Office Address	
Knorrenkamp 30, 27711 Osterholz-Scharmbeck, Germany	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)Docket No.
149041.00100*This is an Assignment of the following rights, title and interest: (check all that apply):*

- ☒ *United States of America rights, title and interest in the invention*
☐ *Foreign rights, title and interest in the invention*
☒ *United States Patent Application Serial No.* 10/565,925
Date of Execution: _____ *Date of Filing:* 24 January 2006
☐ *United States Provisional Patent Application Serial No.* _____
☐ *United States Patent No(s).* _____
☐ *International (PCT) Patent Application Serial No.* _____
☐ *Other (specify)* _____

Title of the Invention

METHOD FOR MICROMACHINING METALLIC MATERIALS

Inventors (assignors)

Name	Address
Juan DONG	Friedrich-Ebert-Straße 197, 28199 Bremen, Germany
Ralf GLÄBE	Ronzelenstraße 36, 28359 Bremen, Germany
Andreas MEHNER	Milstätter Straße 5, 28359 Bremen, Germany
Ekkard BRINKSMEIER	Parkallee 203, 28213 Bremen, Germany
Peter MAYR	Knorrenkamp 30, 27711 Osterholz-Scharmbeck, Germany

Assignee

Name	Address
Stiftung Institut für Werkstofftechnik	Badgasteiner Straße 3, 28359 Bremen, Germany

SEP 26 2006

Assignment of Rights, Title and Interest in Invention
(Multiple inventors; single assignee)

Docket No.
149041.00100

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we hereby authorize and request the Director of the United States Patent and Trademark Office to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)

Name	Signature/Date
Juan DONG	<i>J. Dong</i> 20/03/06
Ralf GLÄBE	<i>R. Gläbe</i> 13/03/06
Andreas MEHNER	<i>A. Mehner</i> 20.03.06
Ekkard BRINKSMEIER	<i>E. Brinksmeier</i> 13/3/06
Peter MAYR	<i>P. Mayr</i> 21.03.06